

*The actions delineated below were taken in open session of the EPSB at the May 20-21, 2002 regular meeting. This information is provided in summary form; an official record of the meeting is available on tape (portions inaudible) in the permanent records of the EPSB, 1024 Capital Center Drive, Suite 225, Frankfort, KY 40601.*

**Education Professional Standards Board (EPSB)  
Summary Minutes of the Business Meeting  
Best Western Hotel  
Frankfort, Kentucky  
May 20-21, 2002**

**Members Present:**

Doris Barlow  
Eugene Binion  
Lydia Coffey  
Joy Gray  
Arthur Green  
Kristin Gregory  
Terry Poindexter  
Penny Robinson  
Jack Rose  
Tom Stull  
Beverly Tomlin  
Mark Wasicsko  
Joe Welch  
Gene Wilhoit

**Members Absent:**

Karon Click  
Joseph Early  
Charles Wade

**Minutes**

**Call to Order**

Vice-Chair Ms. Lydia Coffey called the meeting to order at 9:00 AM.

**Approval of Minutes**

*Motion made by Ms. Terry Poindexter, seconded by Dr. Doris Barlow, to approve the minutes of the March 11-12, 2002 EPSB meeting.*

Vote: Unanimous

**Open Speak**

Mr. Roy Meckler, Eastern Kentucky University, spoke to the board regarding Learning and Behavioral Disorders emergency certification. He indicated that the Higher Education Collaborative for Special Education recognizes the teacher shortage in special education and is seeking participation from all institutions offering special education programs to work with the EPSB in determining ways to help alleviate shortages in this area.

## **Report of the Executive Director and Staff**

Dr. Susan Leib announced that staff has raised \$1000 for Big Brothers/Big Sisters and \$500 for the March of Dimes. Also, as part of an internal reorganization, it was announced that Internship has been moved to the Division of Testing and Research and that the National Board for Professional Teaching Standards (NBPTS) has moved to the Division of Legislative and Public Relations.

Dr. Leib also pointed out that motions passed by the board are now being numbered and a log will be established to help track board decisions. Staff will go through all minutes since the board's inception to develop this tracking log.

Mr. Terry Hibpshman briefly reviewed with board substantial changes in the Local Educator Assignment Data (LEAD) Content/Population Manual. These changes will be incorporated into regulation and brought to the board for consideration at the June meeting.

Ms. Mary Ellen Wiederwohl reviewed results of the 2002 Legislative Session relative to the board. As part of the teacher compensation bill, the Legislative Research Commission (LRC) has been charged with conducting a study of the Kentucky Teacher Internship Program (KTIP) and Kentucky Principal Internship Program (KPIP). A meeting has been scheduled between LRC and board staff to discuss KTIP/KPIP.

Dr. Leib reviewed with board members the following items:

- list of the Education Cooperatives
- Emergency Non-Certified School Personnel 3rd Quarter Report
- additional information on Mr. Said Fazlagic's waiver request
- letter of response to State Representative Rick Nelson
- letter to Kentucky State University
- letter of correspondence and response to the U.S. Department of Education regarding Teacher Education Accreditation Council
- draft retreat agenda
- copy of *Teaching Quality in the Southeast: Meeting the Challenges*
- news article on Dr. Doris Barlow's selection to participate in Kentucky's Highly Skilled Educators Program
- copy of the Association of Independent Kentucky Colleges and Universities newsletter
- information on the NBPTS program
- *Kentucky Teacher*

## **Report of the Chair**

Ms. Coffey acknowledged the hard work and support of the staff. Appointments were made to the Reading Committee and the Kentucky Advisory Committee for Internship. Also, Ms. Coffey asked board members to serve on the following committees:

<u>Nominating Committee for Chair/Vice-Chair</u>	<u>Executive Director Evaluation Committee</u>
Kristen Gregory – Chair	Mark Wasicsko – Chair
Beverly Tomlin	Joy Gray
Eugene Binion	Lydia Coffey

**Full Board Information Item****NBPTS State Program, Recommended Changes**

Dr. Phillip Rogers and Ms. Wiederwohl reviewed some proposed changes to the NBPTS program. The growing number of candidates entering the program and the budget constraints on the Commonwealth necessitate these changes, which focus on leveraging funds to the greatest extent while having the least negative effect on candidates. Board members asked staff to consider online mentoring and to do an email to currently NBPTS-certified teachers asking them to rate the importance of the incentives of the program.

**Staff Report on Emergency Teaching Certificates in Learning and Behavior Disorders, Including Specific Learning and Emotional Behavior Disabilities, and Recommendations**

Dr. Rogers reviewed staff's study of the issues surrounding emergency certification of special education teachers. The study revealed that the teacher preparation programs are not enrolling enough candidates to meet the statewide crisis of teacher shortages in special education. Also discussed were the staff recommendations to (1) increase the pool of fully certified learning and behavioral disorders (LBD) teachers, and (2) improve professional support for all LDB emergency-certified teachers.

**2002-40** *Motion made by Ms. Gregory, seconded by Dr. Barlow, to approve the staff recommendations as presented and ask staff to move forward.*

Vote: Unanimous

**Full Board Action Items****Procedures for Emergency Review of Certification Programs**

**2002-41** *Motion made by Dr. Jack Rose, seconded by Ms. Robinson, to approve the Procedure for Emergency Review of Certification Programs for institutions that fall below 70 percent on one or more of the PRAXIS tests, with the following revision:*

*The team makes recommendations to the EPSB regarding technical assistance needed and "actions to be taken" in the areas addressed in Phase One . . . .*

Vote: Unanimous

**Determination of Certification Programs for Emergency Review**

**2002-42** *Motion made by Dr. Wasicsko, seconded by Ms. Poindexter, to direct staff to immediately place those institutions with PRAXIS pass rates [as reported in the 2001 Title II Report] below 70 percent and above 49 percent in Phase One of*

*the Procedure for Emergency Review of Certification Programs, and to place those institutions falling below 50 percent into Phase Two, thereby necessitating on-site visits, and to report at the June EPSB meeting whether the Phase Two programs should be allowed to admit students for the Fall 2002 semester.*

Vote: Yes – 10  
No – 1 (*Dr. Rose*)

### **2002-03 Meeting Dates**

The board reviewed proposed meeting dates for 2002-03. Murray State University volunteered to host the November 2002 meeting. All other meetings will be held in Frankfort. The August 26 and September 23-24 meetings will be at the Best Western, Frankfort. Depending on renovations to EPSB offices, specific Frankfort location(s) for the 2003 meetings will be determined at a later date and posted in advance to comply with the open meetings law.

**2002-43** *Motion made by Mr. Eugene Binion, seconded by Ms. Gray, to approve the following meeting dates for 2002-03:*

*August 26, 2002  
September 23-24, 2002  
November 18-19, 2002  
January 13-14, 2003  
March 17-18, 2003  
May 19, 2003  
June 16-17, 2003  
July 21-22, 2003 (Retreat)*

Vote: Unanimous

### **Assessment and Licensure Committee**

#### **Action Items**

#### **Waiver Requests**

**2002-44** *On behalf of the Assessment & Licensure Committee, motion made to approve the request of Ms. Cecilia Berberich to waive 704 KAR 20:045, Section 2, Recency Requirement.*

Vote: Unanimous

**2002-45** *On behalf of the Assessment & Licensure Committee, motion made to deny the request of Mr. William Counts, Jr. to waive 704 KAR 20:060, Section 1 (5)(a), Certification Renewal Requirements.*

Vote: Unanimous

**2002-46** *On behalf of the Assessment & Licensure Committee, motion made to approve the request of Mr. Said Fazlagic to waive 704 KAR 20:120, Six Hour Credit*

*Requirement for Emergency Certification, contingent on the submission of proof of enrollment in a teacher preparation program for the required six semester hours, and extend his certificate to December 31, 2002.*

Vote: Unanimous

**2002-47** *On behalf of the Assessment & Licensure Committee, motion made to deny the request of Dr. Edwin Barnes to waive 704 KAR 20:530, Section 1, Waiver of Classroom Teaching Experience for Guidance Certification.*

Vote: Yes – 11  
No – 1 (Ms. Gregory)

**2002-48** *On behalf of the Assessment & Licensure Committee, motion made to approve the request of Ms. Kathleen Vejr to waive 704 KAR 20:530, Section 1, Waiver of Classroom Teaching Experience for Guidance Certification.*

Vote: Unanimous

**2002-49** *On behalf of the Assessment & Licensure Committee, motion made to approve the request of Mr. Garrick Ratliff to waive 704 KAR 20:710, Section 5 (1)(b), Waiver of Classroom Teaching Experience for Principal Certification.*

Vote: Unanimous

**2002-50** *On behalf of the Assessment & Licensure Committee, motion made to approve the request of Dr. Charles Wittenberg to waive 704 KAR 20:710, Section 5 (1)(b), Three Years of Classroom Teaching Experience for Principal Certification.*

Vote: Unanimous

#### **Applications for Alternative Route to Certification Based on Exceptional Work Experience**

**2002-51** *On behalf of the Assessment & Licensure Committee, motion made to deny, based on insufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in business and marketing, grades 9-12, for Mr. William Hall.*

Vote: Unanimous

**2002-52** *On behalf of the Assessment & Licensure Committee, motion made to approve the application for provisional teaching certification in mathematics, grades 9-12, and physics, grades 9-12, for Mr. Jean-Patrick Rich.*

Vote: Unanimous

**2002-53** *On behalf of the Assessment & Licensure Committee, motion made to deny, based on insufficient evidence of ten years' exceptional work experience, the*

*application for provisional teaching certification in business and marketing, grades 9-12, for Mr. Jean-Patrick Rich.*

Vote: Unanimous

## **Program and Technical Assistance Committee**

### **Action Items**

**Asbury College – English as a Second Language Endorsement, Grades P-12 (Bachelor’s and Graduate Levels) and Learning and Behavior Disorders Endorsement, Grades 8-12 (Graduate Level)**

**2002-54** *On behalf of the Program and Technical Assistance Committee, motion made to approve the endorsements in English as a Second Language, grades P-12 (bachelor’s and graduate levels), and Learning and Behavior Disorders, grades 8-12 (graduate level), at Asbury College.*

Vote: Unanimous

**2002-55** *On behalf of the Program and Technical Assistance Committee, motion made to approve the certification programs in chemistry, grades 8-12 (bachelor’s level), and physics, grades 8-12 (bachelor’s level), at Berea College.*

Vote: Unanimous

**2002-56** *On behalf of the Program and Technical Assistance Committee, motion made to approve the certification programs in instrumental music, grades P-12 (bachelor’s level), and vocal music, grades P-12 (bachelor’s level), at Georgetown College.*

Vote: Unanimous

**2002-57** *On behalf of the Program and Technical Assistance Committee, motion made to approve the certification programs in chemistry, grades 8-12 (bachelor’s level), earth/space science, grades 8-12 (bachelor’s level), and physics, grades 8-12 (bachelor’s level), at Northern Kentucky University.*

Vote: Unanimous

**2002-58** *On behalf of the Program and Technical Assistance Committee, motion made to approve the endorsement in English as a Second Language, grades P-12 (graduate level), at Spalding University.*

Vote: Unanimous

**2002-59** *On behalf of the Program and Technical Assistance Committee, motion made to approve the alternative route to certification proposals (elementary, middle, secondary, and moderate/severe disabilities) submitted by the University of Kentucky.*

Vote: Unanimous

**2002-60** *On behalf of the Program and Technical Assistance Committee, motion made to approve the alternative route to certification proposals (middle, secondary, and Master of Arts in Teaching in Education for Learning and Behavior Disorders) submitted by Western Kentucky University.*

Vote: Unanimous

### **Closed Session**

*Motion made by Ms. Poindexter, seconded by Ms. Gray, to go into closed session for purpose of discussing proposed or pending litigation in accordance with KRS 61.801(c)&(j).*

Vote: Unanimous

*Motion made by Mr. Tom Stull, seconded by Dr. Barlow, to return to open session.*

Vote: Unanimous

### **Disciplinary Action Case #00-00471**

**2002-58** *Motion made by Dr. Rose, seconded by Mr. Binion, to accept exceptions submitted after deadline by Mr. Jack Johnson's attorney.*

Vote: Unanimous

The meeting recessed at 2:00 PM.

## **DISCIPLINARY MATTERS EPSB MINUTES OF CASE REVIEW MAY 21, 2002**

Chair Dr. Joe Early reconvened the meeting at 8:40 a.m.

*Motion made by Mr. Binion, seconded by Ms. Gray to go into closed session for purpose of discussing proposed or pending litigation in accordance with KRS 61.801(c) & (j).*

Vote: Unanimous

*Motion made by Ms. Robinson, seconded by Ms. Gray to return to open session.*

Vote: Unanimous

The following board members concurred with the actions as listed below with the noted exceptions:

Joe Early, Lydia Coffey, Doris Barlow, Eugene Binion, Joy Gray, Arthur Green, Kristin Gregory, Terry Poindexter, Tom Stull, Beverly Tomlin, Karon Click, Penny Robinson, and Joe Welch.

Attorneys present were Allison Weber, Brenda Dinkins Allen, Cynthia Clay Grohmann and Courtney Baxter.



## Initial Case Review

<u>Case Number</u>	<u>Decision</u>
01-0997	Dismiss
02-0214	Dismiss without prejudice
02-0207	Hear
02-0215	Admonish (with letter to Superintendent)
02-0212	Admonish (with letter to Superintendent)
02-0210	Admonish ( <i>Click dissented</i> )
02-0213	Hear
02-0217	Dismiss (with letter to Superintendent) ( <i>Click dissented</i> )
02-0221	Admonish (with letter to Superintendent)
02-0327	Dismiss (with letter to Superintendent)
02-0329	Admonish (with letter to Superintendent) ( <i>Click dissented</i> )
02-0220	Hear
02-0216	Admonish
02-0219	Dismiss without prejudice
02-0328	Hear
02-0446	Dismiss ( <i>Click dissented</i> )
02-0330	Dismiss
02-0322	Dismiss without prejudice ( <i>Click dissented</i> )
00-12271	Dismiss
02-0208	Hear
02-0209	Hear
02-0332	Defer
01-0101	Admonish ( <i>Poindexter and Binion dissented</i> )
02-0325	Dismiss without prejudice
01-0653	Dismiss
02-0324	Hear
02-0334	Defer
02-0342	Hear ( <i>Binion dissented</i> )
02-0335	Hear
02-0444	Admonish
00-11239	Dismiss without prejudice
01-0319	Dismiss without prejudice
02-0211	Dismiss without prejudice
02-0218	Dismiss without prejudice

## Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
02-050	Approve
02-051	Approve
02-052	Approve
02-053	Approve
02-054	Approve
02-055	Approve
02-056	Approve

02-057	Approve
02-058	Approve
02-059	Approve ( <i>Welch and Click dissented</i> )
02-060	Approve
02-061	Approve
02-062	Approve
02-063	Approve
02-064	Approve
02-065	Approve
02-066	Approve
95-0340	Approve ( <i>Stull recused</i> )
02-068	Approve
02-069	Approve
02-072	Approve
02-073	Approve
02-074	Approve
02-075	Approve
02-071	Defer
02-076	Approve
02-077	Approve ( <i>Welch dissented</i> )
02-078	Approve

### **Agreed Orders**

<b><u>Case Number</u></b>	<b><u>Decision</u></b>
99-09239 (Bobby Vickery)	Accept Agreed Order revoking respondent's teaching certificate. Respondent shall not reapply for 20 years from May 21, 2002.  Vote: Unanimous
01-0213 (Pamela Allen)	Accept Agreed Order admonishing respondent. Respondent shall present evidence to the board of successful completion of six hours of professional development/training, including a component for anger management, within six months of May 21, 2002. Failure to do so shall result in this case being reopened.  Vote: Unanimous
01-0650 (Risa Compton)	Accept Agreed Order revoking respondent's teaching certificate for a period of five years from January 10, 2001. Before respondent's certificate can be reissued, respondent must submit documentation that she has had continued successful treatment for her addiction with a mental health professional or program approved by the EPSB. Respondent must also submit proof of successful completion of probationary period imposed by the McCracken County Circuit Court.  Vote: Unanimous

- 01-0651 (Ian Skinner) Accept Agreed Order suspending respondent's certificate for 14 days from May 21, 2002. By August 1, 2004, respondent shall successfully complete 12 hours of professional development/ training in the area of classroom management and discipline strategies, as approved by the EPSB. Should he fail to do so, his certificate shall be suspended from August 1, 2004 until written documentation is both received and approved by the board.
- Vote: Unanimous
- 01-0654 (Blair Winders) Accept Agreed Order admonishing respondent and suspending his teaching certificate for 30 days from May 21, 2002. Respondent shall successfully complete 12 hours of professional development/ training in the areas of sexual harassment, ethics, and appropriate boundaries in teacher/student relationships, as approved by the EPSB. Expenses incurred for said training shall be paid by respondent. If the respondent fails to satisfy the condition of training, his teaching certificate shall not be reinstated.
- Vote: Unanimous
- 00-12262 (Carin Newman) Accept Agreed Order revoking respondent's certificate. Respondent shall neither apply for nor be issued a teaching certificate for a period of 20 years from May 21, 2002.
- Vote: Unanimous
- 00-0129 (David Towler) Accept Agreed Order suspending respondent's teaching certificate retroactively from August 17, 2000 through June 1, 2002. Reinstatement is expressly conditioned upon respondent's providing written evidence to the EPSB that, as of June 1, 2002, he remains active in an alcohol aftercare program. Should respondent fail to provide such proof, his certificate shall not be reinstated.
- Vote: Unanimous
- 01-0998 (Eugene Hall) Accept Agreed Order suspending respondent's teaching certificate for 30 days from May 21, 2002. Reinstatement of the teaching certificate is expressly conditioned upon respondent's providing written evidence to the EPSB of 12 hours of professional development/training in the areas of sexual harassment, ethics, and appropriate teacher/student relationships, as approved by the board. Should the respondent fail to satisfy this condition, his certificate shall not be reinstated.
- Vote: Unanimous

- 01-11155 (Edward Higgins)      Accept Agreed Order suspending respondent's teaching certificate for a period of one year from May 21, 2002.
- Vote: Unanimous
- 01-0431 (Gregory Suhr)      Accept Agreed Order stipulations as follow: Professional Certificate for Instructional Leadership – Principal, Grades K-12, Level 2 suspended for two years beginning April 5, 2001; Standard High School Certificate, Grades 7-12; Area of Specialization – Social Studies, and Endorsement for Driver Education remain in effect. Respondent shall successfully complete 12 hours of professional development/training in the areas of sexual harassment, ethics, and appropriate boundaries, as approved by the EPSB. Should respondent fail to satisfy this condition, his administrative certificates shall not be reinstated.
- Vote: Unanimous
- 98-12179 (Diane Redmond)      Accept Agreed Order stipulations as follow: Professional Certificate for School Administration and Supervision; Endorsement for Elementary School Principal, Grades K-12; Endorsement for Secondary School Principal, Grades 7-12; Endorsement for School Superintendent; Endorsement for Director of Pupil Personnel; and Endorsement for Supervision of Instruction, Grades K-12 are hereby suspended for one year beginning August 14, 2002. The Provisional Elementary Certificate, Grades 1-8, and the Endorsement for Elementary School Guidance Counselor remain in effect. Reinstatement of the administrative certificates is expressly conditioned upon respondent successfully completing 12 hours professional development/training in the area of ethics and management skills, as approved by the EPSB.
- Vote: Unanimous (*Welch recused*)
- 01-0435 (John Salisbury)      Accept Agreed Order admonishing respondent for his lack of judgment resulting in inappropriate language and discussions with students. Within one year, respondent shall offer evidence to the EPSB of successful completion of 12 hours of professional development/training, including a component for effective classroom management techniques with students, as approved by the board. If respondent fails to comply with the training requirement, then this case shall be reopened.
- Vote: Unanimous
- 01-0761 (Carri Waldrop)      Accept Agreed Order revoking respondent's teaching certificate. Respondent shall neither apply for nor be issued a teaching certificate for a period of 20 years from May 21, 2002. Should respondent apply for certification at the conclusion of the 20-year

period, she must present written evidence to the EPSB from a certified mental health professional that she is physically, mentally, and emotionally fit for the classroom and that she is not a danger to children/students.

Vote: Unanimous

98-0996 (Jerry Lafferty)

Accept Agreed Order whereby respondent shall not seek renewal of his certificate for a period of six years from the expiration of his teaching certificate on June 30, 2002. Prior to his reapplication, respondent shall successfully complete 12 hours of professional development training in the areas of ethics and appropriate boundaries in teacher/student relationships as approved by the EPSB. Should respondent fail to satisfy this condition, his teaching certificate shall not be renewed upon application. Further, respondent is admonished for failing to maintain appropriate boundaries with his students as required by the Professional Code of Ethics.

Vote: Unanimous

01-0423 (William Kling)

Accept Agreed Order suspending respondent's teaching certificate for a period of one year from May 21, 2002. Reinstatement of his certificate is expressly conditioned upon the successful completion of 12 hours of professional development/training in the areas of classroom management, interpersonal relationships with students, and management of instruction, as approved by the EPSB. Respondent must also provide written evidence to the board of successful completion of anger management training/counseling as approved by the board. Should respondent fail to satisfy either of these conditions, his teaching certificate shall not be reinstated.

Vote: Unanimous

## **Final Orders**

### **Case Number**

### **Decision**

99-11307 (Percy Downs)

Adopt Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order adjudging him guilty of the charges filed against him and revoking all certifications and endorsements.

Vote: Unanimous

00-0471 (Jack Johnson)

Adopt Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order suspending his endorsement for secondary school principal for a period of two years from May 21, 2002. Take no action against his teaching certificates.

Vote: Unanimous (*Poindexter and Stull recused*)

*Motion made by Mr. Arthur Green, seconded by Ms. Click, to adjourn meeting.*

Vote: Unanimous.

The meeting adjourned at 10:45 a.m.

**Next meeting:**                      **June 17, 2002**  
   **Best Western Motel**  
   **Frankfort, Kentucky**

**Executive Work Group:**        **TBA**